



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/789,795	02/25/2004	Takashi Sugino	FUK-162

022855  
RANDALL J. KNUTH P.C.  
4921 DESOTO DRIVE  
FORT WAYNE, IN 46815

RECD MAR 04 2005

CONFIRMATION NO. 9457  
FORMALITIES LETTER  
  
\*0000000016924461\*

Date Mailed: 03/02/2005

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 01/13/2005 to the Notice to File Missing Parts (Notice) mailed 08/10/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$65 was not received.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$880 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$945 for a Small Entity

- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$880
  - \$400 for 4 Independent claims over 3.
  - \$300 for 12 total claims over 20.
  - \$180 for multiple dependent claim surcharge.

05/13/2005 JBALINAN 00000067 501157 10789795

01 FC:2051 65.00 DA  
02 FC:2201 400.00 DA  
03 FC:2202 300.00 DA  
04 FC:2622 160.00 DA

RECEIVED  
MAY 12 2005  
OPIE/JCW/S

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*ht*  
*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

RECEIVED  
CENTRAL FAX CENTER

MAY 10 2005

## IN THE U.S. PATENT AND TRADEMARK OFFICE

In re of Applicant	)	Art Group Unit: N/A
Takashi Sugino et al.	)	Examiner: N/A
Serial No.: 10/789,795	)	
Filing Date: February 25, 2004	)	Attorney Docket No.: FUK-162
Title: SEMICONDUCTOR DEVICE, MANUFACTURING METHOD FOR SEMICONDUCTOR DEVICE, AND SYSTEM TO WHICH SEMICONDUCTOR IS APPLIED	)	Confirmation No.: 9457

4060  
TRANSMITTED VIA FACSIMILE 703-746-5749

RTK  
5/10/05

RESPONSE TO NOTICE OF INCOMPLETE REPLY  
(NONPROVISIONAL)  
Filing Date Granted

MS: Missing Parts  
 Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

This filing is responsive to the Notice of Incomplete Reply (Nonprovisional): Filing Date Granted dated March 2, 2005 ("Notice"), and in further reply to the Notice to File Missing Parts of Nonprovisional Application (Filing Date Granted) dated August 10, 2004.

As indicated in the attached copy of the Notice, all requirements to the Notice to File Missing Parts have been met, except for the payment of certain fees, namely, a \$65 late oath or declaration surcharge and an \$880 additional claim fee.

Referring to the Notice, Applicant hereby instructs the Commissioner to deduct the full amount of the fees now due (\$945) from the deposit account of RANDALL J. KNUTH, P.C. - Account Number 501157, pursuant to the charge authorization granted to the Commissioner by Applicant in the original filing papers of the above-identified application. Since the fees

Application No.: 10/789,795  
Attorney Docket No.: FUK-162  
Response Dated: May 10, 2005  
Reply to Notice of Incomplete Reply dated: March 2, 2005

indicated in the Notice arose out of the original disclosure filing, the charge authorization that formed part of the original disclosure filing applies to such fees.

Applicant has enclosed herewith a copy of the transmittal form on record with the U.S. Patent and Trademark Office that accompanied the original filing of the above-identified application. As noted on the form, Applicant authorized the Commissioner to charge any additional fees which may be required (and credit any overpayments) to the deposit account of RANDALL J. KNUTH, P.C. - Account Number 501157.

Regarding implementation of the deposit account provisions found in 37 C.F.R. §1.25, the Manual of Patent Examining Procedure (MPEP) states as follows in relevant part:

"Many applications contain broad language authorizing any additional fees which might have been due to be charged to a deposit account. The U.S. Patent and Trademark Office will interpret such broad authorizations to include authorization to charge to a deposit account fees set forth in 37 CFR 1.16, and 1.17." (MPEP §509.01).

Applicant submits that the charge authorization found in the original disclosure filing constitutes submission of the full payment applicable to the fees now due as of the date the authorization to charge fees was effective, i.e., the filing date of the application. Applicant notes that the required fees were assessed under 37 CFR §1.16 and therefore fall within the scope of the charge authorization, according to the practice of the Patent Office articulated above.

Applicant submits that this charge authorization is at least applicable to any fees that were assessable at the time of filing -- such as the additional claim fees and declaration surcharge -- even though the additional claim fees were not formally requested by the Office until later when the English translation of the specification was filed. The fees now due are no more than the fees assessable at the time of the original application filing, and, since the fees pertain to

Application No.: 10/789,795  
Attorney Docket No.: FUK-162  
Response Dated: May 10, 2005  
Reply to Notice of Incomplete Reply dated: March 2, 2005

filings costs present at the time of filing, the payment of such fees is covered by the charge authorization found in the original application transmittal. It is believed that current implementation of this charge authorization to the fees now due carries with it the benefit of the date on which such authorization was originally made (i.e., application filing date); accordingly, payment at this time by a charge against the deposit account should be considered timely.

Applicant recognizes that the Office was unable to determine the number of claims submitted until the English translation of the specification was submitted in the timely filing dated January 13, 2005, which was accompanied by a preliminary amendment that provided, *inter alia*, amendments to the claims. Entry of the preliminary amendment resulted in a reduction in the overall assessable claim fee, e.g., due to the deletion of various multiple dependency relationships. An unexecuted Declaration was also filed with the original application transmittal.

Applicant believes that the original charge authorization continued in force as a standing general authorization following the filing date -- at least in regard to the fees under 37 CFR §1.16 present at the time of filing -- and therefore applies to the fees now due, even though the determination of claim fees was not made until later when the English translation was filed. Applicant believes that the charge authorization applies to any fees that arose out of the original application filing, such as the additional claim fees and declaration surcharge now due.

Since the charge authorization accompanied the original application transmittal, Applicant considers that the transmittal form (and charge authorization therein) constitute a timely *de facto* submission of payment instructions applicable to the fees specified in the Notice.

It appears to Applicant that the time period for replying to the Notice to File Missing Parts dated August 10, 2004 has expired (even with extensions). However, Applicant believes

Application No.: 10/789,795  
Attorney Docket No.: FUK-162  
Response Dated: May 10, 2005  
Reply to Notice of Incomplete Reply dated: March 2, 2005

that the instructions contained herein to charge the outstanding fees to the deposit account simply restate the same payment instructions that were timely made in the original application transmittal and are applicable to the fees now due. Accordingly, Applicant believes that the original payment instructions (i.e., charge authorization) were viable during the pendency of the reply period to the Notice to File Missing Parts and should now be put into effect by the Patent Office in a manner considered timely and fully responsive to the fee request.

If the Patent Office has any questions or comments that would advance prosecution of this case, the Office is invited to call the undersigned at 260/484-4526.

Respectfully Submitted,



Randall J. Knuth  
Registration No. 34,644

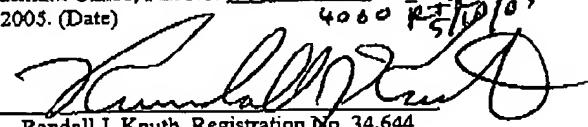
RJK/jrw2

Enclosures: Copy of Transmittal Papers  
(One Sheet)  
Copy of Notice dated March 2, 2005  
(Two Sheets)

Customer No.: 022855  
RANDALL J. KNUTH, P.C.  
4921 DeSoto Drive  
Fort Wayne, IN 46815  
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Facsimile (260) 484-0185  
Email: [jkknuth@rjkpc.com](mailto:jkknuth@rjkpc.com)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 746-7749 on May 10, 2005. (Date) *4060 RT/105*



Randall J. Knuth, Registration No. 34,644

May 10, 2005  
Date

Date: February 25, 2004Attorney Docket No. FUK-162

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop PATENT APPLICATIONS  
Crystal Plaza Two, Lobby, Room 1803  
Arlington, VA 22202

10/789795  
022504

Sir:

Transmitted herewith for filing is the patent application of:

Inventor, Takashi SUGINO et al.For: SEMICONDUCTOR DEVICE

Enclosed are:

Three (3) Sheets of Drawings.

An assignment of the invention to \_\_\_\_\_.

A certified copy of a \_\_\_\_\_ application.

Applicant claims small entity status. See 37 CFR 1.27. Fees indicated below are reduced by 1/2.

Other Unexecuted Declaration

The filing fee has been calculated as follows:

	<u>Column 1</u>			
FOR	FILED	EXTRA	RATE	FEE
<u>BASIC FEE</u>				<u>\$770.00</u>
<u>TOTAL CLAIMS</u>	<u>20 - 20 = 0</u>		<u>x \$ 18.00 =</u>	<u>\$0.00</u>
<u>INDEPENDENT CLAIMS</u>	<u>03 - 03 = 0</u>		<u>x \$ 86.00 =</u>	<u>\$0.00</u>
<u>MULTIPLE DEPENDENT CLAIMS:</u>			<u>+ \$290.00 =</u>	<u>\$0.00</u>
<u>*NOTE: If the difference in Column 1 is less than zero, enter "0" in Column 2.</u>			<u>TOTAL OF ABOVE CALCULATIONS</u>	<u>\$770.00</u>
<u>Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.</u>				<u>\$385.00</u>
			<u>TOTAL</u>	<u>\$385.00</u>
			<u>Assignment Recording Fee (\$40)</u>	<u>\$0.00</u>
			<u>Non-English Specification Fee (\$130)</u>	<u>\$130.00</u>
			<u>Total Enclosed</u>	<u>\$515.00</u>

 A check in the amount of \$515.00 to cover the filing fee is enclosed. (Check No. 7723) The Commissioner is hereby authorized to charge any additional fees which may be required and credit any overpayments to: RANDALL J. KNUTH, P.C. - Account Number 501157

Respectfully submitted,

Randall J. Knuth  
Registration No. 34,644

RJK/jrw

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